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ABSTRACT

The meaning of accreditation and how it has evolved is discussed, and the relationship between accrediting agencies and the federal government is examined. Accrediting agencies derive from the federal government the power to designate which school shall be eligible for federal student assistance programs and/or a national recognition and stimulus for improvement. The U.S. Office of Education (OE) is the body responsible for recognition and regulation of accrediting agencies. It is claimed that the policy of OE has been to cover as much of the postsecondary universe as possible with institutional accrediting agencies; to recognize specialized accrediting agencies meeting many of its criteria; to note the many criteria that recognized agencies do not meet; and to accept their formal actions as evidence of their compliance of their basic transformation from groups serving parochial private interests to groups serving broader public interests. It is claimed that accrediting is undertaken in the interest of, and financed by, accredited schools and that the present process of accreditation affords inadequate assurance that standards are met. The federal government has taken independent measures to protect its funds and students' interests by auditing institutions. Thus it would appear that OE is both regulating accrediting agencies and regulating educational institutions directly. It is proposed that the problems of institutional eligibility and student protection would be clarified by reestablishing the distinctions between higher and vocational education, or between degree-granting and nondegree-granting institutions. Regional accrediting agencies, rather than federally approved ones, are favored. (SW)

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The Federal Regulation of Accrediting

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The Federal Regulation of Accrediting

Accrediting is not an arena where simple reforms achieve basic change or where governmental and educational villains can be readily identified and purged. Its major technical and political issues--the validity and significance of accreditation; the conflicts between governmental and educational, institutional and professional interests; between voluntary or optional and compulsory or monopolistic, informal and formal or bureaucratic, open and confidential, amateurish and professionalized accrediting--have persisted for decades. They will not vanish while the conditions which produce them persist nor recede from view under the continuing scrutiny to which accrediting has been subjected by its constituents and critics, scholars, Congressional committees, the General Accounting Office, the Office of Education, the Federal Trade Commission, and the courts.

What is Accrediting?

Accrediting is a process whereby educational institutions and programs are formally divided into two classes, one of which is anointed or "accredited" while the other is not. Accreditation designates acceptance of, or conformity with, a number of educational standards, much as adult baptism designates acceptance of the doctrine of a sect (and, in both cases, the degree of conformity can vary considerably with the individual case, and is not publically specified).

That is the heart of the matter, so far as the public is concerned. No aspect of accrediting is more ubiquitous than the lists and directories of accredited schools and programs distributed by accrediting agencies and the designation "accredited" in reference works, commerical guidebooks, college catalogues, brochures, and advertisements; no question can be more common than "Is it accredited?" To the public, "accredited" is a seal of approval awarded by some qualified body. That is one meaning of accredit given by Webster's: "to recognize or vouch for as conforming with a standard." However, if some institutions are accredited, it follows that others are not, though they are seldom listed and never advertised as such, since, even for a distinguished school like Rockefeller University, to be unaccredited is not a mark of distinction: it is something to be explained, not to be proud of.

Occupying a Territory

This elementary statement about two classes must be clarified and qualified by a sense of the practical dynamics of accrediting. (It is almost impossible to say anything that is true of all accrediting at all times.)

Accrediting begins when a number of educational institutions or programs agree to begin it. Historically, institutional accrediting began in 1910 with the preparation of standards for colleges by the North Central Association of Colleges and Secondary Schools; professional accrediting began in 1906, when the Council on Medical

Education of the American Medical Association began to inspect medical schools, after having published a classification of schools the previous year. The accrediting of other kinds of schools and programs has been initiated in every subsequent decade; probably in most recent years. As the educational universe has grown longer and more specialized, so has accrediting by established and new agencies.

Before accrediting begins in an educational field, no formal procedure exists to establish and list classes of institutions; a list of the members of an educational or professional association may serve that purpose, and often it is such an association which initiates accrediting. During the first cycles of accrediting and reaccrediting, the class of accredited schools is too incomplete to serve its public function adequately, for there are many reasons known to everyone in the field why outstanding or reputable schools remain unaccredited. As accreditation is more important to marginal institutions and may be instituted by them to strengthen their standing and resources, outstanding institutions may spurn or defer application. The time it takes to routinize procedures, to accredit the first cohort and then to work through the queue of new applicants excuses the lack of accreditation by both reputable and dubious schools, as even accreditors (who do not wish to alienate future members) are quick to acknowledge. "...there are plenty of good schools that

haven't been accredited," the director of one agency stated three years after it began accrediting.[1] Factors outside their control and having no relation to their quality, such as the opposition of institutional presidents or state legislatures to the proliferation of professional or regional accrediting, may prevent many good schools from applying for accreditation. And a young accrediting program has not had the time and influence to secure for its members all the peripheral benefits--the special dispensations of educational institutions and professional associations, state licensing bodies, civil service commissions, large employers, and federal and state authorities--which make established accreditation attractive or indispensable to many schools.

During its mature stage, accrediting best approximates the image accreditors like to project to the public. The uncertainties of its reception, the procedural failings, diplomatic gaucheries, and financial and political weakness are now reduced; the benefits in educational standing, privileges, and resources seem definitely to outweigh the costs in time, money, and any sacrifice of freedom which accreditation may entail. At this stage, accredited schools stand out as a sober educational class contrasting with the indeterminate or doubtful status of unaccredited schools, who would like to be admitted into the fold. Over a period of time, many do gain accreditation after meeting such standards as a larger library or endowment or full-time staff: the standard has helped them to do so, lending

credence to the claim that accrediting helps to improve the quality of education. Undoubtedly it does, on many tests of quality, particularly those which equate quality with resources--and costs.

In the final stage, when virtually all institutions in an educational domain are accredited or pre-accredited, as is now the case with medical schools and universities and colleges enrolling 2500 or more students, the situation, so far as the public is concerned, resembles that before accrediting began: accreditation no longer distinguishes one class of schools from another. Accreditors will protest that, by maintaining educational standards (and, they say, improving them: in America, improvement is a way of life), accrediting still serves the public interest; but, taking them at their word, the value of having all institutions known to maintain a minimal standard must be balanced against the deliberate obfuscation and obliteration of distinctions among them. To this day, far more educational programs are offered in fields without, than with, accrediting; the public is none the worse, and college presidents are grateful, for its widespread absence.

A Sense of Futility

A cry of futility, of a lack of purpose, and of inadequate recognition and esteem for the dutiful care with which they discharge their labors is periodically heard from accreditors. A recent article by the director of a professional accrediting agency declares that "Traditional Accreditation May Be Obsolete For Today."[2]

Articles of this sort, in which accreditors protest their tiresome duties, three-quarters clerical and one-quarter diplomatic, have appeared repeatedly.[3] They help to explain why accreditors have endorsed so many of the changes which the Office of Education has thrust upon them. Something new can be invigorating--the accrediting of new campuses, extension offerings, continuing education, of a new level or type of program: even a new territorial dispute or government demand; the old routine is debilitating. Over the years, some of the most prominent leaders of accrediting such as Samuel Capen, Henry Wriston, and Lloyd Elliot, have been its most forceful critcs, calling the wrath of God down on its vain pretenses, tiresome demands, financial costs, and endless proliferation.

The tendency of accrediting to saturate its market is promoted by democratic and political realities. Whatever elitist disposition accreditors may initially harbor yields, over time, to the democratic ideal that all men are created equal. If an agency permanently denies accreditation to many reputable schools because they do not meet one or more of its standards, it must risk continuing attack, law suits, and the danger of a competing agency arising in neighboring territory. Under critical scrutiny, any standard can appear arbitrary and unreasonable, the reflection of a particular educational tradition that does not comport with current reality.

The simplest and most democratic solution, adopted repeatedly in the history of accrediting, is to change the

restrictive standard so as to make accreditation available to previously ineligible institutions. This has been true, for regional accrediting associations, of those standards which, at various periods, excluded teachers colleges, community colleges, vocational and technical institutions, and, most recently, proprietary and nontraditional institutions.

Nonstandardizing Standards

The shift from a philosophy of exclusiveness to one of potential inclusiveness was symbolized by the North Central Association's replacement, in 1934, of objective quantitative standards by the policy that "an institution will be judged in terms of the purposes it seeks to serve."[4] Quantitative standards and data remain important, especially in the accrediting of professional programs; to discard more reliable for less reliable evidence in an era marked by the rise of quantitative social science would seem the height of perverseness. Nonetheless, the policy enunciated by North Central has been espoused by professional accrediting agencies and the other regionals, so much so that the Middle States Commission insists that it "is not a standardizing agency."[5] To ensure due process, all accrediting agencies must have written standards against which applicants are evaluated. How can standards not be standardizing? In the egalitarian American way by which every institution and program is as good as every other. As Richard Millard explains in extolling non-standardizing standards, "there

are, or should in fact be, as many different standards of quality as there are types of institutions and programs."[6]

Of course, accrediting is concerned with standards, if it is concerned with anything. Accrediting is a characteristically American process of real or putative self-regulation by which a group of schools or programs affirm that they conform, or nominally accede, to a compendious inventory of frequently changing standards, all of which no school is likely or expected to meet fully at any given time. Certain standards are, indeed, observed; some, such as the requirement of nonprofit or public status, may be sacrosanct for many years. But what is observed changes with time and circumstances; equal importance is not assigned to all standards, and all cannot be enforced with equal strictness. That is true of government standards and regulations, despite the government's great powers and resources. And it is patently true of accrediting, which, with few exceptions, is a threadbare activity undertaken by overburdened staff and volunteers.

Origin and Scale of Accrediting

Accrediting is a reflection of the seemingly endless growth, differentiation and specialization that beset industrial society. Under what conditions are the regulation, standardization, and labelling of goods or education absent or perfunctory? When there is relatively little trade or formal education, when the nation is largely rural, government has little power and little is expected

of it, when goods are simple and buyers can judge them, when people are familiar with a college or do not care about it, since they judge a person by what he does and what others say about him, not by his degrees. These were, broadly, the conditions of 18th Century and early 19th Century America, before land-grant colleges brought higher education to new regions and classes, before graduate schools replaced the idea of learning with that of discipline, before universities absorbed the independent for-profit medical and law schools, many new colleges and professions arose, and higher education and American society grew greatly in size and complexity.

The six regional associations of secondary and higher educational institutions that later began to accredit member institutions were initially concerned with a better articulation of the two levels: with establishing more uniform requirements for high-school graduation and college admission. Formerly, the private colleges of the east had drawn largely upon the graduates of private preparatory schools, while the state colleges of the south and west relied heavily on supplementary education given by their own preparatory departments. As the scale of the educational enterprise grew, that solution was no longer adequate. It was only a step from standardizing the requirements for high-school graduation to standardizing those for college graduation and labelling a college "accredited". Yet it was a painful step which took long years in most regions--69 years, in New England, where private institutions were the strongest and most resistant to that loss of individuality

which standardization betokens. It was 1954 before regional accrediting began there and further years before it much resembled the model of a model accrediting operation.

Professional schools and associations were less reluctant to embark upon accrediting than the institutions which housed them. At any event, it was easier for them to proceed despite the opposition of a block of schools, since professional accrediting took a national rather than regional form, being instituted by the major national association of practitioners or academicians in the field, by joint action of both associations, or occasionally, as in law, by the separate action of both. The spectacular success of the American Medical Association gave other professions a strong incentive to emulate it. Accreditation succeeded in stamping out many inferior schools; in affiliating medical schools to the growing universities with their new benefactions and appropriations and their research-minded graduate science departments; in transforming instruction from a part-time to a full-time basis and from the traditional lectures and demonstrations to a science- and laboratory-based program. The passage of laws in each state and physician domination of state licensing boards limited the right to sit for state licensing examinations to the graduates of accredited schools and/or based the examinations upon the curricula of these schools.

Such comprehensive power over the education of, and entrants to, the workforce was not achieved by every profession; the key objective of state licensure has been difficult or impossible for such professions as journalism,

chemistry, music, art, and business administration. Nonetheless, professional accrediting continues to spread to new educational fields, programs, and levels, to the bane of institutional presidents. There were six regional associations accrediting colleges in 1954 and there are six today, though a number have established special commissions to accredit vocational schools and junior colleges. After all, the number of higher educational institutions is limited, the territory is divided (aberrantly, the Western Association having two states and North Central, nineteen), and all that remains is to reexamine accredited institutions periodically, attend to the few new applicants and to educational developments (such as off-campus and continuing education) which arouse widespread concern. But the potential scope of specialized accrediting is almost limitless. In 1952, some 22 specialized agencies were recognized by the Commissioner of Education; in 1977, 55. Many others await recognition, and accredit while they wait.

In 1972, 1,240 higher educational institutions had only regional accreditation, if any, whereas 1,380 also had some 3,760 separate programs accredited. Universities were the worst afflicted: 238 had two or more programs accredited, 144 had six or more, and 27, sixteen or more programs. Yet the New York Regents register about 13,000 professional and academic programs in the state's 287 higher educational institutions. Extrapolating that experience to the nation would yield about 139,000 accreditable programs at 3,075 higher educational institutions in 1976-77; and

only 5,009 programs or 4 percent of them were then accredited. Presidents who turn black at the thought of current professional accrediting should contemplate the future that may await them.

Federal Regulation

A few agencies, such as the American Psychological Association and the National Council for Agencies Serving the Blind and Visually Handicapped, have received ad hoc federal grants to institute or expand accrediting. But in an era when most educational institutions receive large federal sums for student assistance, most universities receive large federal sums for research, and many nonprofit organizations and associations rely upon federal funds for a substantial portion of their budget, the economic independence of accrediting agencies from the federal government is noteworthy. However, most accrediting agencies rely heavily on dues from public institutions that derive ultimately from state appropriations, and occasionally, during the periodic battles between state legislatures and accrediting agencies, this reliance has been turned against them by the proscription of the use of state funds for accrediting fees (as Florida junior college presidents for some years succeeded in barring payments to the National League for Nursing). If the 1,440 public institutions average two accreditations (one regional and one specialized) at an average cost, in dues, of $500 apiece, not counting the special cost of an accreditation visit, that would constitute a $1.4 million annual subsidy of private accrediting agencies by state and local legislatures (unquestionably

a conservative estimate, since it omits a large volume of accrediting in hospital and public vocational schools not normally included in the higher education sector).

The primary relation between accrediting agencies and the federal government is not economic but functional and regulatory. The agencies derive from it the power to designate which school shall be eligible for federal student assistance programs and/or a national recognition and stimulus for improvement--which is to say, for increased budgets and staff for more methodical, legalistic, and costly accrediting procedures. In exchange, they "petition" the Commissioner of Education for recognition and undergo periodic and special reviews to see if they meet official standards for their accrediting practices and agency composition. The recognition and regulation are undertaken by Office of Education staff who, with some justice, claim to be the nation's "most pre-eminent collection of expertise regarding overall accreditation matters...."[7] The relation between accrediting agencies and the Office of Education has its problems, indeed torments. Those who take pride in the independence of higher education from the government will be dismayed to observe how close to the vitals of accrediting the government has come. But it has done so with more assistance than resistance from the accrediting community. Accrediting agencies have got largely what they want--not entirely, which would be recognition with less regulation, or regulation only on points they elect; but more benefits at fewer costs than were likely under other realistic

alternatives. Anytime they can agree on an alternative they prefer, they stand a good chance of getting it.

A Little List

We noted earlier the conspicuous, omnipresent lists of accredited schools. The Office of Education's involvement with accrediting agencies also began with lists and directories of accredited institutions and programs, which it issued periodically from 1917 through 1971. More attuned to state and institutional administrators than to the professions, the Office's 1948 directory reflected the concern with the postwar growth of professional accrediting that led college presidents to establish the National Commission on Accrediting in 1949 in a concerted, albeit futile, effort to halt that growth. "...there has been extensive criticism of...the increasing number of accrediting agencies and the tendency to accredit individual departmental fields of study in addition to professional schools and colleges," the directory noted. "New accrediting agencies, however, are still being organized and are requesting recognition." The Office had, therefore, in cooperation with the American Council on Education, prepared a set of criteria to govern the inclusion of additional accrediting agencies in its directory. These "Criteria for Recognition of Accrediting Associations by the Office of Education" consisted of eleven brief and broad standards of good practice, such as publishing accrediting standards and the list of accredited schools, basing institutional

accreditation upon a visit and a report "by competent examinars," and checking subsequently on the quality of accredited schools. This was the first, the shortest, and simplest of the series of criteria for recognition that the Office was to issue.

Inclusion in a directory is one thing; eligibility for federal assistance to students is quite another. The critical link between accreditation and eligibility for federal funds was written into a section of Public Law 550, The Veterans Readjustment Assistance Act of 1952, which instructed the Commissioner of Education to publish "a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution."

Several aspects of this provision should be noted. The Commissioner was engaged in a service to the Veterans Administration. The accrediting provision was directed primarily at proprietary vocational schools, as suggested by the word "training" rather than "education"; it was, in fact, drafted with the help of Bernard Ehrlich, then counsel to the Accrediting Commission for Business Schools, which thereupon applied for recognition and, in 1956, became the first agency accrediting mainly proprietary schools to be recognized by the Commissioner. The provision was one of many measures seeking to correct the abuses of veterans educational benefits awarded under the "G.I. Bill" of 1944. Many degree-granting institutions were charged with setting

excessive tuition and offering poor quality extension and night courses to catch the veteran's dollar. But the most egregious abuses centered on proprietary schools which promoted worthless training by misleading advertising or, in collusion with veterans, offered proscribed avocational courses, such as social dancing or flying, under a vocational guise.

The accreditation of a school by an agency on the Commissioner's list is an optional basis for authorizing veterans' benefits. Veterans attending unaccredited schools may also receive benefits, in fact, many more accredited than accredited proprietary schools and over 300 unaccredited colleges have been approved for benefits. Eligibility is determined by a "state approving agency" established in each state and operated at an estimated cost of over $10 million in 1977.[8]

As the most glaring problems have involved proprietary schools (though a majority of veterans attend degree-granting institutions), approving agency staff are usually attached to the vocational education section of the state education department and devote the bulk of their time to inspecting and approving vocational schools. All approving agencies accept regional accreditation as grounds for authorizing benefits, but only a minority accept the accreditation of proprietary schools by the four major agencies recognized for this purpose by the Commissioner (accrediting business, trade, correspondence, and cosmetology schools); most prefer to approve schools on the basis of their own annual inspections.

After passage of the Veterans' Readjustment Assistance Act, the Commissioner of Education, in 1952, issued a revised set of criteria "for determining nationally recognized accrediting agencies," and listed six regional and 22 specialized agencies as meeting the criteria, although a number of these agencies plainly did not. Thus, the Western College Association was listed despite the criterion that an agency be "regional or national" in scope and the specification that "Regional...means several States," though it operated only in California and certain island dependencies; and the New England Association was included, although it did not start to accredit until 1954 (under the impetus of Public Law 550).

Reference to accreditation by an agency recognized by the Commissioner as one of several alternative means to establish eligibility for federal funds, usually for students, recurred in many subsequent statutes including the National Defense Education Act of 1958, the Higher Education and National Vocational Student Loan Insurance Acts of 1965, and the Education Amendments of 1976. Accreditation is not mentioned in the Manpower Development and Training Act of 1965 or in most vocational rehabilitation legislation; it is only one means by which schools, including many unaccredited schools, are readily approved for the payment of Social Security educational benefits; it is not a pertinent factor in the award of an estimated $3.0 billion dollars by federal agencies for research and

and development at universities and colleges; and, of course, it is not a factor in the award of federal fellowships, loans, and stipends to thousands of American students enrolled at foreign institutions.

Vocational Students

More than any other event, it was the 1965 vocational student loan act that set the Office of Education's relations with accrediting agencies in its current regulatory mode. The act made insured loans available to students attending vocational schools and OE officials felt under pressure to render as many schools as possible eligible in a short period of time. Eligibility could be established by accreditation by a recognized agency or by the direct action of an advisory committee. The former method was preferred but inadequate for the task, since only a fraction of the nation's 10-15,000 vocational schools had been accredited either by the regionals or by proprietary school agencies and, as of 1965, only two such agencies, the Accrediting Commission for Business Schools and the National Home Study Council, had been recognized by the Commissioner. Not coincidentally, the National Association of Trade and Technical Schools was established in 1965 and recognized in 1967, after the minimal two years of accrediting experience. Accordingly, OE granted temporary eligibility to schools licensed by some 19 states judged by an advisory committee to have acceptable licensing standards and inspection procedures. As additional vocational accrediting agencies

such as NATTS and the Cosmetology Accrediting Commission were recognized, these schools were given four years to obtain accreditation or lose their eligibility.

Thus, in the vocational school area, OE, by deliberate policy and not statutory requirement, made accreditation indispensable for eligibility; it forced proprietary schools to become accredited or forfeit their eligibility for insured student loans. (Under a 1972 statute, approval by a state agency recognized by the Commissioner became an alternative means of eligibility for public, but not private, vocational schools.) Accreditation has not been indispensable for higher educational institutions, which have had three auxiliary means of obtaining eligibility: a "satisfactory assurance" that the institution will become accredited "within a reasonable time"; the acceptance of credit by three accredited institutions; or the direct determination of an advisory committee. In its haste to extend eligibility to large numbers of vocational schools, OE overlooked the limitations of long-cycle accreditation visits to deal with volatile vocational schools offering changing, short-term courses to fluctuating numbers of full- and part-time students. (The unit of state agency approval for veterans benefits is the course, not the institution.) And OE opened itself to many episodes of fraud, misrepresentation, and abuse of government-insured loans that, in ensuing years, virtually reenacted the experience of the GI Bill following World War II.

In the mid-'60s, however, Commissioner of Education

Harold Howe and his chief assistants found themselves in an awkward position. They were placing greater reliance on accreditation and actually driving schools to obtain it; they requested the regionals to provide letters of "reasonable assurance" to render unaccredited institutions eligible, and the regionals obliged. The effect of making recognized agencies more important in the determination of eligibility was to stimulate new applications for recognition and to subject the process of recognition to closer scrutiny by Congressmen, accreditors, and lawyers for agencies whose applications were deferred or rejected. To this day, the process functions on the basis of rules issued by the Commissioner, not on explicit statutory authorization which, in the opinion of some lawyers, it should receive. At the time, OE officials were appalled at the careless and, in some respects, blatantly unfair and discriminatory procedures governing the recognition process. Recognition was still governed by the criteria issued in 1952; though applicant agencies were granted a hearing upon request, they had no opportunity to appeal an adverse ruling; whereas none of the agencies recognized in 1952 had ever been reexamined for their conformance to the criteria.

The 1968 Changes

To remedy these deficiencies, an Accreditation and Institutional Eligibility Staff unit of 17 persons (a consolidation of two existing units plus five new positions), assisted by a nine-member advisory committee, was established

in May 1968. In 1976, the unit became the Division of Eligibility and Agency Evaluation; it now (February 1978) has a staff of 30 and an advisory committee with fifteen members.

OE is not a bold agency grasping for power; it is a cautious bureaucracy that would like to stay on the right side of the educational establishment. It is not, like the National Science Foundation or the National institutes of Health, accustomed to dealing with deans and faculty in ways that may undercut the interests and power of institutional presidents. It would prefer to act in concord with presidents and their surrogate accrediting agencies, especially those accrediting institutions. But OE is a bureaucracy, and, given the opportunity to enlarge its staff and to occupy and consolidate new territory, is unlikely to shirk it. It has occupied much territory in the regulation of private accrediting with the cooperation or acquiescence of the accrediting community.

The major steps that were initiated in 1968 to formalize OE recognition criteria and procedures, which for the first time placed all recognized agencies under systematic government review, were taken with the leadership and cooperation of two prominent spokesmen for private accrediting: Frank Dickey and John Proffitt, director and assistant director, respectively, of the National Commission on Accrediting. Proffitt became director of the new Accreditation and Institutional Eligibility Staff, and

Dickey, chairman of the advisory committee. Norman Burns, director of the North Central Commission and the Federation of Regional Accrediting Commissions for Higher Education, was another committee member. Hence, the strengthening of the OE review and monitoring of accrediting agencies was instituted with the knowledge, consent, and active participation of leading figures in private accrediting. Aside from the normal wish to respond to a request of the Commissioner, they probably saw an opportunity to make greater progress in improving the operation and broadening the outlook of accrediting agencies through the power, resources, and financial inducements of government than they had been able to accomplish through voluntary action. And participation afforded a better chance than abstention that the Office would conduct itself reasonably, respecting the independence of private agencies. Dickey and Burns had second thoughts about that when their terms expired in 1970 and they were not reappointed. A period of coolness ensued between AIES, on the one hand, and the National Commission on Accrediting and the regionals on the other, Dickey issuing a public warning about the dangers of government control of accrediting inherent in the operation he helped to establish.[9] Let us examine the essentials of this operation.

The basic elements of the AIES activity were the issuance of new criteria for recognition; the review of all recognized agencies at least once every four years; and the designation of the precise scope for which

recognition was granted.

The new criteria, issued January 1969, were not radically different from the old, but longer, more detailed, and modelled on the criteria of the National Commission on Accrediting (which had been derived, in turn, from the 1952 OE criteria). Formerly, it had merely been said that the agency "Has an adequate organization and effective procedures to maintain its operations on a professional basis." New references were added to the encouragement and provision of staff guidance for self-study prior to accreditation; clear designation of the geographic, institutional, and programmatic scope of an agency's accrediting; and a clear explication of its procedures for accrediting, pre-accrediting, placing a school on probation, revoking, and reinstating accreditation. An agency was to conduct its evaluation "only with the specific authorization of the chief executive officer of the institution"; adequate consultation should be provided between the visiting team and the faculty, administrators, and students; a report of the visit should be given to the chief executive officer who should have a chance to comment on it before it is acted on. Finally, the recognized agency "Has demonstrated it capability and willingness to enforce ethical practices among the institutions, and educational programs accredited by it."

The criteria stated, "it is unlikely that more than one...agency will qualify for recognition" in a given

geographic or programmatic area, and "The Commissioner will recognize...all agencies only for the georgraphic area(s) and program field(s) specifically designated in each case."

The review process generated an unprecedented amount of activity by OE and accrediting staff. Each of the six regional commissions and thirty specialized agencies on the Commissioner's 1969 list was scheduled for review; reviews were also necessary of new agencies applying for recognition, and, under the new practice of specifying the precise scope of recognition, of agencies seeking broadened recognition for pre-accreditation or the accreditation of a new type of program. In each instance, a date was set for the review by the AIES advisory committee; the agency was asked to submit materials demonstrating its compliance with all of the new criteria; and AIES staff would conduct additional inquiries, visiting the agency and accompanying an agency team on an accrediting visit.

The results of this activity during the first four years were that all recognized agencies remained recognized and nine additional agencies (out of 30 applicants) were added to the Commissioner's list. Nonetheless, only a minority of agencies was found in sufficient compliance with the criteria to be recognized for a full four-year period. Most were recognized for shorter periods, often with the proviso that they submit a report at the end of a year demonstrating their compliance with various criteria.

In 1974, a more detailed set of criteria, twice as long as the 1969 version, was issued after protracted

discussions and many redrafts. The new criteria added definitions of seven terms, such as "Accrediting," "Agency or association," and "States" (which, in an evident effort to accommodate the Western Association, "includes... territories and possessions"). The agency should employ qualified persons selected "in accordance with nondiscriminatory practices." The self-study preceding an accrediting visit "should involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constitutencies" (alumni? donors? parents? employers? taxpayers?). Accrediting should take into account "the rights, responsibilities, and interests of students, the general public, the academic, professional, or occupational fields involved, and institutions." An agency should be "responsive to the public interest" and include "representatives of the public" on its policy-making or advisory bodies. Advance notice and an opportunity for comment should be given before standards are changed. There should be written, adequate, and equitable procedures for handling complaints about the breach of standards by accredited schools. A long list of due process rules should be observed in dealings with accredited and applicant schools. The agency should demonstrate "capability and willingness to foster ethical practices...including equitable student tuition refunds and nondiscriminatory practices in admissions and employment." The "validity and reliability" of agency standards should be assessed and "experimental and innovative programs"

should be encouraged. The agency should be able to form an independent judgment of educational quality, without conflict of interest.

Yet another set of criteria will be issued shortly; mercifully, it makes relatively few changes in the 1974 criteria. A definition of "Program accreditation" is added to one of "Institutional accreditation," an earlier oversight attributable to OE's policy preference for institutional accreditation, which has not kept it from recognizing many programmatic agencies. An agency's definition of its scope should, it is stated, be "comprehensive enough not to exclude arbitrarily institutions or programs providing education or training in any relevant sector of that field"--a delicate effort to encourage the accreditation of proprietary and vocational schools and, more broadly, to reduce the proliferation of rival agencies; though it might also encourage poaching and rivalry. A list of proposed visiting team members should be furnished to a school in advance and the school given an opportunity to comment on them. An agency should demonstrate that its accrediting "serves societal and educational needs not now served by other appropriate means, or by another more comprehensive agency." (The first requirement is difficult to prove, hence must be invoked rarely and charitably; the second is another safeguard against any proliferation that the Office opposes and puts it in the conservative posture of favoring recognized agencies over new ones.) The agency

should issue a "periodic listing, at least annually, of the changes in status of institutions or programs previously listed"--which would make conveniently accessible information about schools whose accreditation has been withdrawn. It should "foster development, by each institution and program, of a well defined statement of ethical practices..., including equitable student tuition refunds and nondiscriminatory practices"--a clarification of the earlier exhortation "to foster ethical practices." Finally, safeguards against conflicts of interest should extend to "possible conflicts between the services of...administrative, consultative, and decision-making personnel and the services they perform or have performed within the last two years for other organizations."

The Criteria Game

What should be made of this outpouring of criteria, three sets in nine years?

Office staff and many accreditors would say that they represent progressive improvements in a common effort to articulate the essential elements of a modern, effective accrediting program that operates fairly, professionally, and in the public interest. However, the frequent changes enhance the difficulty of compliance, increasing the need of OE review and short-term extensions of recognition, and giving agencies repeated occasion to request changes, support, and resources from their sponsoring institutions and associations.

The criteria have become more formal and detailed, as

in the specification of the categories of personnel and the period of time which conflict-of-interest rules should cover, the itemization of parties at interest, and the detailing of the rules and etiquette preceding, during, and following site visits. There is no natural or evident point, other than weariness, at which the process of increasing specificity should end. The choice of detail seems in part arbitrary and heavily influenced by topical considerations.

A major element of the criteria consists of procedures designed to ensure fairness or "due process." In principle, noone can object to such procedures; in practice, they can produce a thick layer of caution, formalism, legalism, obfuscation, paper-work, and delay, without necessarily effecting any change in the quality and substantive decisions of accrediting.

Another element consists of points of recent political interest, on which OE and/or the government has adopted a policy position: for example, the criteria implicitly endorsing vocational and proprietary training, the appointment of "public" representatives, and the call for a tuition refund policy and nondiscriminatory practices. The political topicality of the last two issues is highlighted by the omission of more strictly educational issues which are <u>not</u> cited under "ethical practices," such as fair grades, reasonable-sized classes, and faculty accessibility to students.

Perhaps the Office shied away from such points as dealing too directly with educational standards. If so, this accentuates the anomaly of criteria that confine themselves to the form of accrediting while ignoring its substance. (The same criticism is applicable to the Council of Postsecondary Accredition, whose criteria resemble those of the Office, though, as a private body, it is under no obligation to disregard educational standards.)

Though the criteria exhibit a preference for institutional, rather than professional, accrediting in eligibility determinations, the Office has not carried this preference to the point of rejecting applications, or withdrawing recognition, from agencies for whom recognition serves no eligibility function, or confining recognition to the few "free-standing" professional schools for which accreditation may establish eligibility. However, in January 1978, the Office's advisory committee rejected a staff recommendation that the Continuing Education Council be recognized, on the ground that recognition would serve no eligibility purpose. If this new policy is applied consistently to all agencies, at least eight specialized agencies would eventually be dropped from the Commissioner's list and the recognition of many others would be confined to the few independent professional schools not attached to a regionally accredited institution.

Though the criteria oppose the recognition of two

accrediting agencies in the same region or field, the Commissioner has recognized two agencies which accredit medical assistants, laboratory technicians, and practical nurses, respectively. In each case, recognition has helped to sustain the modest position of a plebian agency serving proprietary schools against that of the dominant professional association in the field.

In its role as patron of private accrediting, the Office of Education has sponsored conferences on accrediting and informal discussions between accreditors and members of its advisory committee; office staff have worked with applicant agencies, helping them to come into compliance with the criteria and thereby to gain recognition. An effort is made to pacify rival factions and agencies by inducing them to amalgamate or to demarcate their respective territories; the hearing of an application or of a report on action taken to comply with criteria may be deferred to allow time for such peace-making. The general posture of Office staff resembles that of the former National Commission on Accrediting as an avuncular friend and promoter of accrediting, sympathetic to institutions having to endure the proliferation of specialized accrediting, but nonetheless recognizing additional specialized agencies, one by one. And, indeed, it is difficult for the Commissioner not to recognize additional agencies which comply with his criteria, and not difficult for an agency to observe the criteria so scrupulously that the Commissioner

must eventually recognize it.

Brinkmanship

Whether there is an iron hand in the Commissioner's velvet glove has yet to be disclosed, since, despite much bluff and bluster and brinkmanship, the Commissioner has never withdrawn recognition from any agency important for eligibility purposes. In December 1969, Commissioner James Allen, former New York State Commissioner of Education, approved the withdrawal of recognition from the New York Board of Regents, the only state agency on the list of recognized accrediting agencies; but, upon appeal and backstage negotiation, the withdrawal was withdrawn and recognition was renewed in 1972. Two agencies whose accreditation had no eligibility consequences, the American Chemical Society and the American Public Health Association, had their recognition withdrawn in 1974 and 1975, respectively. The Chemical Society was charged with accrediting without a site visit and having visits conducted by one person;[10] the Public Health Association's accrediting had become moribund and was replaced by a new Council on Education for Public Health, which was promptly recognized by the Commissioner.

However, Office staff have avidly investigated complaints that an agency has breached one or another criterion--there are so many, agencies must inevitably breach some. The annual reports of the Office's advisory committee are replete with notations of criteria with which agencies are not in compliance. For example, in 1976 the committee found that

at least 27 different criteria had been breached; at least eight agencies reviewed that year had no public representatives on their councils, five had not assessed the validity of their standards, seven did not reflect in their councils "the community of interests" affected by their accrediting, five had inadequate procedures for reviewing complaints, four gave no notice of revisions in their standards, four did not publish the names of their personnel, and so forth.

The advisory committee meeting has become a forum at which critics, dissident factions, dissatisfied schools, and rival agencies voice their opposition to recognized agencies on the ostensible and often correct ground that they do not comply with one or more criteria. Thus, the National Federation of the Blind complained that the National Accrediting Council for Agencies Serving the Blind and Visually Handicapped was undemocratic and did not include enough blind persons on its governing board; the American Medical Association Committee on Quackery testified against the recognition of two agencies accrediting chiropractic schools; the Women's Equity Action League charged the Liaison Committee on Medical Education of the AMA and the Association of American Medical Colleges with discriminating against women in medical school admissions; the Universidad del Caribe Escuela de Medicina de Cayey, Puerto Rico, has charged the Liaison Committee's Vice-President with "abusive and pre-emptory behavior";[11] the Federal Trade Commission's Bureau of Competition has charged that the Liaison Committee lacked the autonomy necessary to

perform its functions independently of the interests of the American Medical Association, which "acts in significant respects as a powerful trade association";[12] complaints by the chairman of the Board of Southwestern Michigan College, distributed liberally to members of the Michigan congressional delegation, among others, at the pro-faculty union attitude of a North Central visiting team, prompted a major Office inquiry into North Central practices. There have been many other charges: the number seems to grow as more people learn of this costless opportunity to pursue their cause. The least that Office staff do, upon receipt of a plausible charge, is to ask the accrediting agency to respond to it; they may conduct their own inquiry; and the matter is usually brought before the advisory committee for a public discussion at which each side presents its case. When a complaint is judged to be substantiated, the agency will be asked to comply with pertinent criteria; it might also be required to conduct another accreditation visit. With or without complaints, there is never a shortage of criteria with which agencies fail, as OE communications say, to comply "fully."

That is the general status of the Office of Education's relations with accrediting agencies. It might be compared to the joint promotional and regulatory activity of other government regulatory agencies, such as the former Atomic Energy Commission, which was engaged in promoting and licensing the construction of nuclear power reactors.

No regulatory agency would stay in business if its devotion to the public safety were so great and its regulations so strict that the industry could not operate. Hence, the characteristic pattern of the government regulator becoming so identified with the regulated industry that their interests and policies largely coincide. The Atomic Energy Commission was stricter about licensing nuclear reactors than the Commissioner of Education has been about recognizing accrediting agencies.

The policy of OE has been to cover as much of the postsecondary universe as possible with institutional accrediting agencies; for good measure, to recognize specialized accrediting agencies meeting many of its criteria; to note the many criteria which recognized agencies do not meet, and to accept their formal actions as evidence of their compliance and of their basic transformation from groups serving parochial private interests to groups serving broader public interests.

The Blindness of Office Policy

In its blindness to facts a child can see, the policy reminds one of the people's blindness to the nakedness of their king beneath the transparent finery he was not wearing. The main facts which OE ignores are that:

1. Accrediting is undertaken in the interest of, and financed by, accredited schools. Any service it may render to the public, students, or the government is secondary, not central, to that interest.

2. Accrediting is of secondary, not primary, importance to most of the professional associations which sponsor it and to the presidents of leading universities. It has rarely received the funds, the support, or the prominent leadership necessary to fulfill the aspirations of accreditors.

3. Because of their lowly position and budgets, accrediting agencies remain, with few exceptions (such as the agencies accrediting medical schools and hospitals), penurious, relying heavily on volunteers for visiting teams and on the voluntary cooperation of schools for the enforcement of standards. They cannot, without changing their nature, police their schools through such common tactics of police forces and inspectors as unannounced inspections, the use of undercover agents and informants, and the public disclosure and trial of charges. They cannot even (like a research institute or educational testing service) act as independent evaluators, insofar as such independence conflicts with their solicitous and cooperative relation with their schools. And it would be a breach of faith for an accrediting agency to disclose confidential information about the financial problems of an accredited school, even if that disclosure would be in the public interest.

4. The financial and technical limitations of institutional accrediting--the five or ten year cycle between visits, the brevity of the visit, the number and breadth of questions examined, the maintenance of confidence

about the standards which are violated and probationary status, the difficulty of assessing the quality of individual programs and the regionals' refusal to do so--render it an unreliable indicator of the quality of the education a student will receive in a given program, especially at marginal institutions. As George Arnstein writes, accrediting agencies "are...NOT reliable authority (as just about any informed person will admit sotto voce) but in the absence of an effective alternative, the fiction of reliability continues."[13]

From the standpoint of the public and of government officials, accreditation, of and by itself, affords inadequate assurance that courses are honestly described and useful; that a school will not misrepresent its offerings and push federal loans and grants upon unqualified students; that it will not report failed students and dropouts as present and will refund a fair proportion of tuition to students who drop out or do not register; that a school will not go bankrupt or that administrators will not abscond with its funds. As a recent government task force states, "accreditation alone is not a sufficient guarantee of the competence and willingness of the institution to manage Federal aid funds in accordance with the law."[14]

Despite the efforts of the Office of Education and the Council on Postsecondary Accredition to induce accrediting agencies to address "consumer protection" issues and the

alacrity with which many agencies have discovered that consumer protection is what accrediting has always been about, the government has taken independent measures to protect its funds and students' interests. The auditing of institutions has been increased, uncovering cases of fraud, of collusion between students and schools, and of complicity by some state and federal regional staff with school proprietors who were milking students and the government. Schools will now be required, as a condition of eligibility, to disclose the costs of tuition and attendance, their tuition refund policy, and student retention rate. The Office of Education is implementing its authority to limit, suspend, or terminate the eligibility of schools which engage in "substantial misrepresentation" of their programs, their charges and the employability of their graduates. A second "institutional certification" staff of 70 to 100 persons is being formed, independent of the staff which determines the eligibility of institutions on the basis of their accreditation by recognized agencies. The new staff will deal directly with institutions, setting its own standards of institutional "financial responsibility," integrity, and "administrative capability." It will issue its own application forms, and recertify institutions annually to participate in the Office's student financial assistance programs; all participating institutions will be audited every two years.[15]

The task of maintaining current and accurate information on, inspecting, and annually certifying some 8,000 post-secondary schools has yet to be faced. It must lead

either to the growth of a large bureaucracy with large paperwork requirements or the adoption of abbreviated procedures for perfunctory "certification." One wonders if the new staff will be much more expeditious than the old about terminating eligibility in the face of the legal and political obstacles that schools will interpose.

Loosening The Noose

Thus, one arm of the Office of Education is regulating accrediting agencies while another, finding that regulation inadequate, will regulate educational institutions directly. One may well ask if all is as it should be or if the situation can be improved. My brief answer is: the situation will not be transformed, but it can be clarified and steps should be taken to disengage at least part of the accrediting enterprise from federal regulation.

Distinguishing Vocational and Higher Education

The problems of institutional eligibility and student protection would be clarified by reestablishing the distinctions between higher and vocational education, or between degree-granting and non-degree-granting institutions, that have been attenuated or lost since the mid-'60s. This will not be easy. The public and the Congress view vocational education with favor, many students prefer it to academic programs, and it has become established policy to make federal financial assistance available not only to students in traditional liberal arts programs but to those on vocational tracks in technical institutes,

hospitals, proprietary schools, and high-schools offering special courses to their graduates or dropouts. The term "postsecondary," employed in many recent statutes, includes such vocational programs leading to certificates or associate degrees at schools not listed in the Office of Education's Higher Education Directory and even at places like hospitals that are not primarily educational. The American Council on Education now addresses itself to "postsecondary" educational policies; the Council on Postsecondary Accredition and the Office of Education recognize agencies accrediting "post-secondary" schools and programs. Well and good. The provision of equal assistance to vocational, professional, and academic students is democratic and sensible, insofar as the nation needs more nurses, mechanics, computer programmers, secretaries, and businessmen than college graduates who are better prepared for graduate and professional education than for immediate useful employment.

But good public policy can make for poor intellectual analysis and program administration. Thus, when the Office of Education states that 8,700 postsecondary "institutions" are eligible to participate in the Guaranteed Student Loan Program, it counts 1,400 hospitals which have offered accredited medical technology courses but not the medical schools with which many of these hospitals are affiliated. Likewise, 1,000 public "vocational schools" are reported, though most are probably secondary schools which have offered one or more courses to high-school graduates or

dropouts. The Office has applied identical rules of information disclosure and financial accounting to universities with 40,000 students and barber colleges with six students. As Commissioner of Education Terrell Bell has acknowledged, "...many long, well-established institutions...like Harvard, Stanford, and so on, are being subjected to the same rules as a small barber college... under the present statute, we can't have different sets of rules...."[16] In its criteria for recognizing accrediting agencies, the Office requires "faculty" involvement in a self-study, though a vocational program may have no regular "faculty" but a school's owner or the part-time service of a high-school teacher, doctor, or nurse.

Thus, the equal treatment of all "postsecondary" students has led to the transformation of occasional courses into permanent "institutions" and the equation of tiny, ephemeral classes with major universities. The Office of Education, which is responsible for accurately reporting on the status of American education, has in this instance grossly distorted and misrepresented the facts by imposing the convenient fiction of comparable "postsecondary institutions" upon an inconveniently complex educational reality. This distortion should be rectified by a description and explanation of the nature, location, enrollment, and normal length of program of the 2,800 eligible and accredited sites of frequent or occasional instruction in "public vocational schools," "schools of medical technology," and "hospital

schools of nursing"; 1,800 eligible and accredited proprietary schools; 800 eligible and unaccredited foreign institutions; and several hundred eligible and unaccredited American colleges.

A more accurate characterization of the universe of eligible degree- and non-degree-granting, permanent and intermittent programs, schools, and institutions should be accompanied by the adoption of appropriate, comparable but not identical, policies to protect the public interests and funds in each major educational sector. As students enrolling in certain correspondence and proprietary schools are responsible for a disproportionate number of loan defaults, closer monitoring of these students and schools is plainly warranted. Certain colleges, where enrollments are the basis of appropriations and faculty appointments, employ a liberal formula to convert part-time students to "full-time equivalents" and are lax in their attendance and grading practices; when students are in short supply, they can become unflunkable. Neither accrediting nor government regulation has halted this decline in educational and moral standards--how can a two-day visit every ten years and long lists of pedantic and often inapplicable definitions, instructions, and specifications halt the academy's struggle to survive in adverse demographic and economic conditions? The Veterans Administration's efforts to require records of attendance and satisfactory progress have outraged academicians: which does not

establish that the efforts were unreasonable, but rather, imprudent, impracticable, and/or dangerously close to the mark. Self-righteousness and slack self-regulation protect public funds no better than over regulation. The one enables entrepreneurs, educators, and unserious students to go their own way; the other protects government bureaucrats more than the public.

The Incidence of Malpractice

To understand the possibilities and limitations of both regulation and self-regulation, we badly need more information about the incidence and location of malpractice by administrators, teachers, and students. Much information is in the public domain, such as the complaints received by state and federal agencies and Better Business Bureaus, the propriety of advertisements and catalogues, and the volume of student loan defaults. Other information may be more confidential or difficult to obtain, such as the findings of accrediting and state agencies about the breach of their standards, or the honesty and strictness of admission requirements, tests, and grades. Is it right to identify schools which engage in doubtful practices but have not been tried and found guilty? If it is not, the public will receive only the favorable and often misleading information issued by the schools themselves.

As the direct government regulation of schools' financial and consumer practices grows, the case for regulating accrediting agencies to achieve the same

objectives is weakened. It was never very convincing, though very clever, to push frail, compliant agencies to espouse government policies and then hold them, rather than government officials, responsible for the failure to enforce them. The government does not and cannot "fully" enforce its own regulations; how can it expect accrediting agencies to comply with them "fully" (a word that recurs in the Commissioner of Education's letters to the agencies)? Accordingly, it is a propitious time to reduce the inter-dependence of the government and accrediting agencies.

Pruning the Commissioner's List

The least that should be done is to remove from the Commissioner's list those agencies whose recognition serves no eligibility function and to restrict the scope of recognition to those schools (often, a few free-standing professional schools not regionally accredited) for which professional accreditation establishes eligibility. As noted, in January 1978 the advisory committee took a significant step in this direction by reversing the staff's recommendation to recognize one such agency. Consistency requires that agencies now on the list be treated in the same manner, when they apply for a renewal of recognition. It could be argued that the Commissioner exceeded his authority by recognizing them; however, the agencies voluntarily requested recognition. If the Council on Postsecondary Accredition is serious about the dangers of government control, it should urge agencies not to apply for recognition

when their schools are unaffected by it; but if accreditors were sufficiently opposed to government regulation, they would not seek it.

Why, then, do so many agencies voluntarily apply and reapply for government recognition? (Only one agency recognized by the Council on Postsecondary Accredition, the American Home Economics Association, has not sought it.) An adequate answer discloses the conflicts, suspicions, and sensitivities of private accrediting as well as the temptations and rewards of government.

Recognition by the Commissioner costs nothing whereas a fee of a thousand dollars or more is charged by the Council on Postsecondary Accredition to cover its expenses in reviewing an application. Once recognized, an agency becomes a member of the Council and pays annual dues, based upon the number of accredited schools, that may run to $10,000 or more. The tie of recognition to membership is a dubious practice that accrediting agencies have been moving away from; though the equity of a particular agency's dues may be debated and the dues schedule may well be modified, some dues are obviously necessary. However, recognition by, and membership in, the Council is not necessary, especially when agencies have the alternative of recognition by the Commissioner of Education. It testifies to the significance of the Council that so many agencies have taxed themselves to become members. Nonetheless, as a body attempting to represent the entire spectrum of postsecondary accrediting, it has inherited conflicts and sensibilities that make

concerted action on government regulation difficult and could lead to defections and schisms. The Council's predecessor, the National Commission on Accrediting, for most of its history confined itself to the sphere of higher education. Agencies accrediting proprietary and vocational schools were thereby excluded from recognition. The regionals, for their part, never applied for it, establishing their own federation and jockeying for power with the Commission. Professional accrediting agencies also had grounds for caution in supporting the Commission, which was established to stamp out or control their activity; in 1977, a task force of the Council addressed itself anew to the perennial problem of proliferation.[17]

In sum, despite a widespread disposition to prefer self-regulation, represented by the Council on Postsecondary Accredition, to government regulation, the Council has inherited the trauma of accrediting history, factionalism within and between accrediting agencies is rife, professional agencies remain rightly suspicious of the intentions of institutional presidents, and many accrediting agencies owe their intial national standing to the Commissioner of Education's recognition when the ("elitist" is the word they use) National Commission on Accrediting spurned them. And the Commissioner's recognition is free, while the Council's costs money. Hence, the allegiance of many agencies is split between the Office and the Council and neither dare press its contest to the point where agencies must choose

between them.

If the Commissioner continues to recognize agencies serving no eligibility function, a charge should be made to cover the costs involved in this gratuitous activity which goes beyond the Office's designated statutory responsibilities.

Congressional Hearings

Neither the Office regulation nor promotion of accrediting agencies has been explicitly authorized by statute. Even the Commissioner's advisory committee is appointed by the HEW Secretary at his discretion; an effort to write the committee into 1976 legislation failed due to the opposition of the Council on Postsecondary Accredition. Matthew Finkin contends that, in regulating accrediting agencies, the Commissioner is exceeding his authority;[18] that may be doubted, but the issue of government regulation is important enough to be resolved clearly by the Congress after hearings in which the parties at interest--including accredited and unaccredited schools, and state education officials--put their views on public record. In the early 1970s, William Selden, former director of the National Commission on Accrediting and perhaps the nation's most respected authority on accreditation, believed, on the basis of private interviews, that accrediting agencies were prepared to establish a new organization to bring a degree of order into the expanding, fragmented, and conflict-ridden arena of allied health accrediting; but when a public meeting was convened

to discuss the matter, so many agencies reversed their position that it was fruitless to proceed. Asked to testify before a Congressional committee, I suspect that most accrediting agencies would (with caveats about softening regulation) basically endorse their present relations with the Office, which yield them influence at the price of formalities and a polite bending of the knee.

Would institutional presidents and their major national education associations, take a different position? That can only be determined when they are obliged to take one. The regionals would, perforce, conform to the position of the presidents they serve.

The dissolution of the Federation of Regional Accrediting Commissions of Higher Education may be instructive. The response of the Federation to talk of a merger with the National Commission on Accrediting was to establish a Washington office with its first full-time director. But the insistence of a few presidents and the directors of the Washington higher education associations led to the closing of that office and the formation of the Council on Postsecondary Accredition. Should the associations agree to cut the strings by which the Office of Education can now, at its pleasure, pull the regionals to attention, they would have no recourse but to follow their lead.

The statutory language on the eligibility of higher educational institutions for student financial assistance programs could be changed so that eligibility would rest,

not upon institutions accredited by agencies recognized by the Commissioner, but upon institutions accredited by enumerated regional agencies and the American Association of Bible Colleges. If alternative avenues of eligibility (the "three-letter rule," "reasonable assurance," and direct approval by an advisory committee) were retained, the result would be little or no change in the eligibility of degree-granting institutions and the regionals would be immediately freed of the need to apply for recognition by the Commissioner. The difficult problems of sorting the disorderly and turbulent sector of vocational education into eligible and ineligible components would remain; and the Office's current system of recognizing accrediting agencies, or a cross between it and the system of veterans' state approving agencies, might be retained for that purpose. But the regionals would be freed of government regulation, and one noose around the neck of higher education would be removed.

Notes

1. William Goddard, executive director of the National Association of Trade and Technical Schools, quoted in Michael Malloy, "New Schools Rise to Ride the Computer Boom," The National Observer, December 30, 1968; NATTS was established in 1965. Cf. the statement of Richard Fulton on behalf of the United Business Schools Association. "Please do not infer...that non-accredited institutions are or need be ethically questionable and educationally unsound. To the contrary, there are many fine non-accredited institutions" (Brief submitted to the Federal Trade Commission In The Matter of Proposed Guides For Private Vocational and Home Study Schools, November 10, 1970, p. 8). UBSA was established in 1951. Longer-established agencies like the regionals or the American Medical and American Bar Associations, with a more monopolistic hold over accrediting in a less volatile educational arena, would be less likely to make such a statement and, of course, it is unlikely to appear on promotional materials and lists.

2. Gary Filerman in Accreditation, November 1975, p. 5.

3. Cf. Henry Wriston, "The Futility of Accrediting," Journal of Higher Education, June 1960.

4. Cited in Robert J. Keller, "Foreword: The Association 1895-1945," in Louis G. Geiger, Voluntary Accreditation, The North Central Association of Colleges and Secondary Schools, Menasha, Wisconsin, 1970, p. xv.

5. Commission on Higher Education, Policies and Procedures Handbook, Middle States Association of Colleges and Secondary Schools, New York, June 1971, p. 12.

6. Richard M. Millard, "Comments on Recommendations of the Orlans' Report," in Proceedings of the National Invitational Conference on Institutional Eligibility, April 30-May 2, 1975, Arlington, Virginia, U.S. Office of Education, pp. 28-9.

7. John Proffitt, "Accreditation and the Federal Government or The Federal Connection," Address to the Conference of Academic Deans of the Southern States, Atlanta, December 14, 1976.

8. The total cost was over $20 million; about half was attributable to the approval function, the rest to the administration of on-the-job and apprenticeship training programs.

9. See Frank G. Dickey and Jerry W. Miller, "Federal Involvement in Nongovernmental Accreditation," Educational Record, Spring 1972, pp. 138-42.

10. See Philip C. Boffey, "U.S.O.E. Drops the Chemical Society," Chronicle of Higher Education, October 21, 1974, p. 7.

11.

12. Cited in John Proffitt, "Professional Power and the Public Interest," April 13, 1977 address at the School of Health-Related Professions, State University of New York at Buffalo.

13. George Arnstein, "Institutional Eligibility: Toward A National Board of Eligibility," offset, November 1976.

14. Recommendations for Improved Management of the Federal Student Aid Programs, A Report to the Secretary by The Student Financial Assistance Study Group, U.S. Department of Health, Education, and Welfare, June 1977, p. 29.

15. See "HEW Pushes Crackdown on Student-Loan Defaults," Chronicle of Higher Education, February 21, 1978, p. 10.

16. In Guaranteed Student Loan Program, Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, Ninety-Fourth Congress, First Session, December 10 and 16, 1975, Part 2, p. 472.

17. The Task Force on Proliferation and Specialization recommended discussions with medical and allied health associations to develop "cooperative efforts" in the burgeoning field of health and allied health accrediting; discussions with the Office of Education to clarify the recognizing functions of the Office and the Council; a possible strengthening of the Council's criteria for recognition; and the preparation of guidelines for an institution's relations with accrediting agencies (see "Goals are Set To Deal With Proliferation," Accreditation, November 1977, pp. 1, 8).

18. See Matthew Finkin, "Federal Reliance on Voluntary Accreditation: The Power to Recognize as The Power to Regulate," Journal of Law and Education, July 1973, pp. 339-75.